

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

**IN RE:**

**CASE NO. 08-07137-SEK**

**JORGE L DIAZ FIGUEROA**

**CHAPTER 13**

**DEBTOR(S)**

\*\*\*\*\*

**TRUSTEE'S MOTION TO DISMISS**

**TO THE HONORABLE COURT:**

Comes now Alejandro Oliveras Rivera, Chapter 13 Trustee and respectfully states and prays:

1. The meeting of creditors was held on December 3, 2008. The current proposed plan is dated November 11, 2008.
2. Debtor(s) failed to comply with the Trustee's requirement to:
  - a. ☒ Amend Schedule(s):A, B & J.
  - b. ☐ Amend Statement of Financial Affairs.
  - c. ☒ Amend Plan accordingly and include amount of arrears to Doral.
  - d. ☐ Make current payments. Paid out of (\$ in arrears).
  - e. ☒ Submit the complete documents requested.
3. No extension of time or justification for failing to comply with the above has been filed.
4. Debtor(s) is(are) not a member(s) of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

**WHEREFORE**, for the reasons stated above it is respectfully requested from the Court to enter an order dismissing the present case pursuant to 11 U.S.C §521 AND §1325(a) (6).

**30 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST :** You are hereby notified that you have thirty (30) days from the date of this notice to file and opposition to the foregoing motion and to request a hearing. If no opposition is filed within the prescribed period of time, the Trustee's Motion will be deemed unopposed and may be granted without further hearing unless (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If a timely opposition is filed, the Court will schedule a hearing as a contested matter.

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**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served to the U.S. Trustee, ustpreion21.hr.ecf@usdoj.gov and by depositing true and exact copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) and parties in interest that have filed a notices of appearance included in the address list attached to the original and the Trustee's copy on file.

**RESPECTFULLY SUBMITTED** in San Juan, Puerto Rico this, December 19, 2008.

/s/ Alejandro Oliveras Rivera  
**ALEJANDRO OLIVERAS RIVERA**  
CHAPTER 13 TRUSTEE  
P.O. Box 9024062  
San Juan, PR 00902-4062  
Tel. 977-3500 Fax 977-3521

Department of Defense Manpower Data Center

DEC-19-2008 10:04:32



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DIAZ FIGUEROA	JORGE L	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

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Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: *ECPARFFASU*

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

OTTO E LANDRON PEREZ\*  
PO BOX 52044  
TOA BAJA, PR 00950 -2044

RECOVERY MANAGEMENT SYSTEM CORP.  
C/O RAMESH SINGH  
25 S.E. 2ND AVENUE, SUITE 1120  
MIAMI, FL 33131 -1605

JORGE L DIAZ FIGUEROA  
PO BOX 3714  
CAROLINA, PR 00984

DATED: December 19, 2008

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S/DIANA ARROYO  
OFFICE OF THE CHAPTER 13 TRUSTEE